

**Andover Conservation Commission Meeting Minutes  
December 7, 2010**

Town of Andover  
36 Bartlett Street  
3<sup>rd</sup> Floor Conference Room  
7:45pm

**Commission Members in Attendance:**

**Chairman Donald Cooper, Vice Chairman Michael Cooper, Commissioner Kevin Porter, Commissioner Alix Driscoll, and Commissioner Floyd Greenwood. Staff member present was Robert Douglas, Director of Conservation.**

**SCHEDULED ITEMS:**

**52 Williams Street**

**Present in Interest: Bill Manuel, Stephen Lueranone, Michael Lutrzykowski, Tyler Sheltry, Rhonda Sheltry and Steve Gates**

*Staff Recommendation: Continue to a Date Uncertain*

This is a Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law, for the proposed demolition of an existing house and the construction of a single family dwelling.

Mr. Douglas presented this to the Commission. This was continued from April 13, 2010 for purposes of a pre-filing conference with staff and to correct submittal deficiencies. The filing is under both the WPA and the By-Law. The proposed home is on the footprint of the existing home and part of the tennis court and gravel road. The new house has been pushed as far as possible from the river and the tennis court will be removed and replaced with plantings which are viable in the riverfront area. Most of this lot is in the Riverfront area. The revised filing has been submitted to DEP, but not sure if the fee has been paid since the original engineer recused himself. Permit from the ZBA has to be applied for since this is a non-conforming lot. The Applicant needs to supply the calculations used regarding Riverfront alteration on the plan. The vegetation has been allowed to regrow between the stone wall and the river. Flags must be reestablished pursuant to the ORAD plan. The Commission scheduled a site visit for December 19, 2010 at 9:00am.

Steve Gates inquired about the size of the house, it seems much larger than those in the area. With no specific buyer in mind, the exact footprint has not been decided.

Chairman Cooper asked for a Motion. Commissioner Driscoll made a Motion to continue to a date uncertain, it was seconded by Commissioner Greenwood and unanimously approved.

**Taylor Cove**

**93-97 River Street**

**Present in Interest: Don Borenstein, Todd Wacome, Bill McLeod, Subhash Dondage, Toki Emmert, Mick Mueck, Keith Saxon, Jack Murphy, Francis Wheeler**

*Staff Recommendation: Continue*

Continued Public Hearing on a Notice of Intent filed under the Massachusetts Wetland Protection Act for the proposed construction of a portion of a roadway, infiltration basin and three buildings with associated grading.

Mr. Douglas presented this to the Commission. This has been continued from November 30, 2010 for purposes of commencing the engineering peer review as revised in two phases; staff to draft proposal for the environmental peer review and verification on the status of Victoria Place Subdivision by DEP that the Permit Extension Act applies. The Applicant has refused to fund the peer review because it is not relevant and should be the Town's responsibility. Mr. Douglas informed the Commission that a new wetland line delineation is needed due to the Riverfront. The Commission must decide if they are willing to move forward without a peer review, or if the Commission can pay for a portion of the peer review to get the necessary information.

Chairman Cooper believes Attorney Borenstein is not in favor of funding a peer review or staff doing the delineation, he would just assume the Commission deny the project and wait for the appeal to DEP. Commissioner Walsh agreed, but restated that the Commission needs the information to proceed further.

Attorney Borenstein suggested the Applicant work with Staff and Conservation Commission to mark the boundaries in the field and then see where everyone stands. Paul Finger reiterated that all resource areas need to be redelineated.

Francis Wheeler told the Commission that work is ongoing and the site is now disturbed so that no one can tell what existed before.

Commissioner Greenwood made a Motion to deny the project, it was seconded by Commissioner Driscoll then withdrawn.

Attorney Borenstein suggested a narrower scope of Ann Marton's proposal could be a possibility. If the Conservation Commission could pare down the scope the Applicant would consider funding the peer review then come back before the Commission. Commissioner Driscoll disagreed and stated that the Commission needs the entire scope of the peer review, not just parts of it. Todd Wacome informed the Commission that he

was fundamentally opposed to the peer review. Commissioner Greenwood asked exactly what the Applicant intends to do.

Chairman Cooper asked Attorney Borenstein if they were open to delineation of the Riverfront and Resource Areas. The Applicant agreed to fund the delineation of the Riverfront and BVW only and defer the rest of the scope of the peer review to a later date.

Mr. Douglas would like an assessment of wildlife values and endangered species which may alter the project.

Staff to submit a new scope to the Applicant and see where we both stand.

Chairman Cooper asked for a Motion. Commissioner Greenwood made a Motion to continue to December 21, 2010 at 8:15pm, it was seconded by Commissioner Driscoll and unanimously approved.

**Lowell Street #350**

**Raytheon**

**Present in Interest: Paul Finger**

*Staff Recommendation: Close Public Hearing and issue Amended Order of Condition and issue Partial Certificate of Compliance.*

Public Hearing on the Amended Order of Conditions filed under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law, for the proposed work to modify the outlet control device from CSW#1. This will result in additional stormwater mitigation for the property and develop a stormwater bank of mitigation that could be used for future projects.

Mr. Douglas presented this to the Commission. This was continued from November 30, 2010 for peer review to be completed. The Commission will continue to see Applications for all projects. An Amended Order of Conditions automatically triggers a peer review.

Chairman Cooper asked for a Motion. Vice Chairman Walsh made a Motion to Close the Public Hearing and issue the Order of Conditions with two minor changes proposed, it was seconded by Commissioner Porter and unanimously approved.

## **CONSENT AGENDA**

### **23 Osgood Street**

*Staff Recommendation: Approve*

Issuance of a Notification of Satisfactory Completion of Work Certificate.

### **4 Dawn Circle**

*Staff Recommendation: Approve*

Request for a Certificate of Compliance.

### **10 Dawn Circle**

*Staff Recommendation: Approve*

Request for a Certificate of Compliance

Commissioner Driscoll made a Motion to Approve the above items on the Consent Agenda, it was seconded by Commissioner Greenwood and unanimously approved.

### **15 Locke Street**

**Present in Interest: Brian Schwing**

*Staff Recommendation: Approve*

Request for a Partial Certificate of Compliance

Due to the season, plantings are not in and the grass has not grown, but everything else has been completed and is in compliance. Scott Kelloway has done the inspections and confirms everything is completed except the plantings and grass.

Vice Chairman Walsh made a Motion to Issue the Partial Certificate of Compliance, it was seconded by Commissioner Driscoll and unanimously approved.

## **DISCUSSION ITEMS:**

### **30 & 32 Willard Circle**

Conservation Land purchase of property known as 30 & 32 Willard Circle. Conservation Commission to sign the Purchase and Sale Agreement

## **INFORMATION ITMES THAT MAY REQUIRE A VOTE:**

### **2 Bancroft Road**

**Present in Interest: Jeff Crane, Mark West, Morris Graves, James Berberian and Mark Johnson**

**Commissioner Walsh recused himself from this discussion.**

Discussion regarding sedimentation in wetland. When the water tank was emptied, there was a spill of sediment into the catch basin and into the wetland. 2.2 cubic yards of a dry material was taken out of the water storage unit. It was a tan, brownish substance. There was a test done at the water tank and test done at the wetlands and the results show these are 2 different materials. Mr. Douglas visited the site with Jennifer Steele and found it highly likely that the material came from the spill. Mr. Berberian wants the wetland cleaned up correctly. Mr. West informed the Commission that the best way to clean this up would be to wait for the dry season as to minimize the damage to the wetland. CDM will test the extent and nature of the material in the wetland. CDM to delineate the extent of deposited material by taking samples and doing lab tests to identify the nature of the material.

Continued to December 21, 2010.

### **3 Avery Lane**

Enforcement Order for unpermitted work with the Buffer Zone and Encroachment into Town Land in the Care and Custody of the Conservation Commission.

There has been substantial encroachment onto Conservation Land. There is a shed and a retaining wall on a perennial stream and trash on Conservation Land. The work within the buffer area shall cease & desist, boundaries to be established and a restoration plan to be submitted.

Commissioner Greenwood made a Motion to issue the Enforcement Order, it was seconded by Commissioner Driscoll and unanimously approved.

### **Minutes**

Approval of minutes from meetings of November 2, 2010.

Commissioner Driscoll made a Motion to Approve, it was seconded by Commissioner Greenwood and unanimously approved.

**The next meeting will be held at 7:45pm on December 21, 2010.**

**The meeting was adjourned at 10:18pm by Motion of Commissioner Driscoll, seconded by Commissioner Greenwood and unanimously approved.**

**Respectfully submitted by:**

**Lynn Viselli,  
Recording Secretary**